

600

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 80-251-E - ORDER NO. 87-1052

September 22, 1987

IN RE: Small Power Production and Cogeneration)
Facilities - Implementation of Section 210) ORDER RULING
of the Public Utility Regulatory Policies) ON MOTION
Act of 1978 (PURPA).)

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Motion of Aquenergy Systems, Inc. to Compel Duke Power Company to Answer Interrogatories. According to the Motion of Aquenergy, Duke refused to respond to its Interrogatory Nos. 4, 5, 6, 9, 15, 16, 17, 18, 19, 20, and 24 on the grounds that such interrogatories pertain to Duke's Catawba units and that these units are not relevant to this proceeding. It is also alleged by Aquenergy that Duke refused to provide the information requested in Interrogatory No. 40 which requested a copy of all contracts and agreements pertaining to the sale and purchase of firm power by Duke from January, 1986, through June, 1987, on the grounds that such agreements are "personal and confidential."

Aquenergy's Motion argues in support of requiring Duke to answer its Interrogatories. Duke filed a Response to Aquenergy.

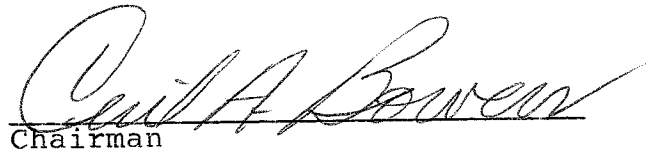
The Commission has weighed the arguments of the parties and finds that for the reasons set forth in Duke's Response, i.e., that Catawba is not an appropriate proxy for estimating Duke's avoided costs since Duke has no plans to build additional nuclear

capacity in the foreseeable future and that the information sought to determine whether the price Duke paid for power supplied by Catawba may constitute avoided costs within PURPA is contained in Duke's response to Interrogatory No. 7, Duke need not respond to Interrogatory Nos. 4, 5, 6, 9, 15, 16, 17, 18, 19, 20, and 24. However, as to Interrogatory No. 40, the Commission finds that the discovery of the information requested is relevant to the proceedings and that Duke may be allowed to take the necessary precautions such as blackening out the customer name and address, but that all other information of the agreements requested by Aquenergy should be furnished to it by Duke.

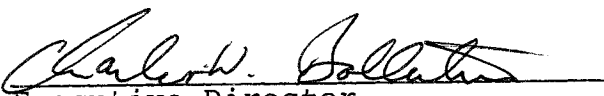
IT IS THEREFORE ORDERED:

1. That Aquenergy Systems, Inc.'s Motion to Compel is denied as to Interrogatory Nos. 4, 5, 6, 9, 15, 16, 17, 18, 19, 20, and 24 and granted as to Interrogatory No. 40 with the stipulation that the customer name and address may be deleted.
2. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)